

ASANO et al., Appl. No. 09/889,920  
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### REMARKS

This Amendment After Final Rejection is responsive to the final Office Action identified above, and is further responsive in any other manner indicated below.

### REPLACEMENT ABSTRACT - NOT EXCEEDING 150 WORDS

Although there has been no objection made in the final Office Action to the Abstract of the application, a replacement Abstract provided herewith has been amended to comply with 37 CFR §1.72(b), in that the Abstract not exceed 150 words. In the event that the present replacement Abstract is itself found not to be of proper form, the Examiner is herein authorized to amend to a suitable replacement Abstract. With respect to any past, present or any ultimately implemented Abstract or amendment thereof, Applicant embraces 37 CFR §1.72(b) provisions that the Abstract is merely for quickly determining the nature and gist of the technical disclosure, and should not be used for interpreting the scope of the claims.

### PENDING CLAIMS

Claims 22-27, 30 and 33-42 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended, added or deleted in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. More specifically, new Claims 43-49 are rewritten allowable Claims 30 and 41 based

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on Claims 22, 24, 25, 27, 33, 36 and 49, respectively. Claim 23 has been amended from depending upon Claim 22 (canceled) to depend upon new Claim 43, which is Claim 30 rewritten in independent form to include all the limitations of base Claim 22. Claim 30 has been amended to depend only from Claim 26, which is allowed, and Claim 34 has been amended from depending upon Claim 33 (canceled) to depend upon new Claim 47, which is Claim 41 rewritten in independent form to include all the limitations of base Claim 33. Accordingly, all of the pending claims are either allowed, have been rewritten to be allowable, or depend upon allowed/allowable claims.

At entry of this paper, Claims 23, 26, 30, 34, 35 and 39-49 are now pending in the application for consideration and examination.

#### **ALLOWED CLAIMS**

Claims 26, 35, 38-40 and 42 are allowed in the application, as indicated within Item 6 on page 4 of the final Office Action. Claim 26 has been minorly amended within this paper in a manner believed not to affect an allowability thereof. Renewal of the allowance of these claims is respectfully requested. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

#### **REWRITTEN ALLOWABLE CLAIMS**

Claims 30 and 41 have been indicated as being allowable if rewritten as indicated within Item 7 on page 4 of the final Office Action, and such claims have

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been written in combination with appropriate ones of the base claims. Renewal of the allowance of these claims is respectfully requested. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

#### **ALLOWABLE CLAIMS DUE TO CHANGE IN DEPENDENCY**

Unrelated to any prior art, scope or rejection (e.g., to clarify and/or refocus Applicant's claims), Claims 23, 30 and 34 have been amended to depend from appropriate ones of the above-discussed allowed/allowable claims, and owing to dependency from allowed/allowable claims, such claims likewise should be allowable over the prior art of record, and any prior art rejections regarding such claims have become obsolete at this time. Accordingly, reconsideration and express written allowance of such claims are respectfully requested.

#### **REJECTION UNDER 35 USC § 103 - CLAIMS CANCELLED/AMENDED**

The 35 USC §103 rejection of 22-25, 27, 33, 34, 36 and 37 as being unpatentable over Brass *et al.* (US 6,177,678 B1) in view of Chappelle *et al.* (US 5,412,219 A) is respectfully traversed. Unrelated to any prior art, scope or rejection, Claims 22, 24, 25, 27, 33, 34, 36 and 37 are cancelled herein (without prejudice or disclaimer of any scope or subject matter), which has rendered the rejection of such claims and traversal arguments obsolete at this point in time. Based upon the following, reconsideration and allowance of all remaining pending claims are respectfully requested.

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All descriptions of Applicants disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed.

Despite the above strong traversal, the present cancellation of the rejected claims (without prejudice or disclaimer of any scope or subject matter) has rendered such rejections and traversal arguments obsolete at this time. Accordingly, further discussions and/or arguments are best left for any future applications and/or litigation. Reconsideration and withdrawal of the §103 rejection are respectfully requested.

#### **ALL CLAIMS IN CONDITION FOR ALLOWANCE**

In view of the fact that all prior art rejected claims now have been canceled without prejudice or disclaimer or any scope or subject matter, and in view of the fact that all remaining claims have either been already allowed, rewritten into Independent form, or amended to depend from allowed claims, it is respectfully submitted that all presently pending claims are now in condition for allowance.

The remaining claims are detailed as followed:

Present Claim	Prior Claim	Prior Status	Present Status
23	23	(rejected)	(allowable via dependency claim 43)
26	26	(allowed)	
30	30	(rejected)	(allowable via dependency claim 26)
34	34	(rejected)	(allowable via dependency claim 47)
35	35	(allowed)	
38	38	(allowed)	

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39	39	(allowed)	
40	40	(allowed)	
41	41	(rejected)	(allowable via dependency claim 35)
42	42	(allowed)	
43	30/22	(allowable)	(rewritten allowable independent)
44	30/24	(allowable)	(rewritten allowable independent)
45	30/25	(allowable)	(rewritten allowable independent)
46	30/27	(allowable)	(rewritten allowable independent)
47	41/33	(allowable)	(rewritten allowable independent)
48	41/36	(allowable)	(rewritten allowable independent)
49	41/37	(allowable)	(rewritten allowable independent)

Accordingly, Notice of Allowance with respect to the present application is respectfully requested.

#### EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

#### RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to

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maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

This Amendment is being filed within the shortened statutory period for response set by the 3 January 2005 final Office Action (3 April 2005 being a Sunday), and accordingly, no Petition or extension fee is required for entry of this paper. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Further, no additional claims fees are required for entry of this paper (thirty-eight (38) claims total/fifteen (15) independent claims originally filed; present count of seventeen (17) claims total/twelve (12) independent claims). Please charge any actual required fee deficiency to ATS&K Deposit Account No. 01-2135 (as Case No. 520.40381X00).

Respectfully submitted,

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